

Abstract

European Court of Human Rights: its position and role in the protection of personal rights of an individual including analysis of judgments and the influence on domestic judicial decisions

The thesis is divided into three parts. The first part is devoted to the theoretical background of the ECHR, its function within the Council of Europe, personal ground and analysis of statistics. The thesis is also focused on the procedural rules of proceeding, with emphasis on the filing of the complaint, its formal and substantive requirements and its compliance with the Convention. In this section, is also presented to the reader the procedure, the enforceability of the decisions and the renewal of the proceedings before the Constitutional Court of the Czech Republic. In the second part, the concept of personal rights and the Convention are presented in the light of the Article 8 and 10 of the Convention because these are the most important articles when it comes to personal rights. The third part is devoted mainly to the analysis of the case law of ECHR with a connection to the domestic case law. This part is further divided into three sections, protection of personal data, right to reputation and defamation and right to own portraits. The protection of personal data consists of two parts, call monitoring and video surveillance and the publication of such materials. In the part related to call monitoring, there is an analysis of the Roman Zakharov vs. Russia case and within the part of video surveillance the case Kopke vs. Germany is represented. In the second section, regarding the right to reputation and defamation, are the main principles of case law shown on cases such as Radio France and others vs. France, Axel Springer AG vs. Germany and well-known case Delfi AS vs. Estonia, which is dealing with personal rights violations in the context of comments under online media articles. The domestic case law refers to cases such as Rejzek vs. Vondrackova and Tereza Kaslova vs the Czech Republic – the Office of the President of the Republic. The third section of the last part of the presented thesis is regarding right to own portraits and two crucial cases, Von Hannover vs Germany Nos 1, 2 and 3, are discussed. At the end of the thesis, there is a reflection if the goal set out in the instruction was fulfilled.

Keywords: ECHR, personal rights, ECHR case law